IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

CRP.No. 299 of 2007()

AGAINST THE ORDER DATED 03/01/2005 IN EP.6/2002 IN LAR.378/1982 of SUB COURT,THODUPUZHA

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REVN. PETITIONER: JUDGMENT DEBTOR

STATE OF KERALA, REP. BY
DISTRICT COLLECTOR, IDUKKI.

BY GOVERNMENT PLEADER SMT. R.BINDU

RESPONDENTS: DECREE HOLDER

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1. VALLIYAMMAL, W/O. PERUNNALA PILLAI,
KIZHAKKAYIL HOUSE, VALLIYAMATTOM VILLAGE,
KUDAYATHOOR (DIED).

2. SANKARA PILLAI PERUMAL PILLAI,
KIZHAKKAYIL HOUSE, VALLIYAMATTOM VILLAGE,
KUDAYATHOOR. (DIED)

(IT IS WORDED THAT RESPONDENTS 3 TO 6 ARE ALREADY ON THE PARTY ARRAY ARE THE LEGAL REPRESENTATIVES OF DECEASED R2 VIDE ORDER DT. 10/8/04)

3. K.P.AYYAPPAN PILLAI PERUMAL PILLAI,
KIZHAKKAYIL HOUSE, VALLIYAMATTOM VILLAGE,
KUDAYATHOOR.

4. K.P.KRISHNA PILLAI PERUMAL PILLAI,
KIZHAKKAYIL HOUSE, VALLIYAMATTOM VILLAGE,
KUDAYATHOOR.

5. K.P.KOMALA VALLIYAMMA, D/O. PERUMAL
PILLAI, KIZHAKKAYIL HOUSE, KUDAYATHOOR.

6. K.P.BHANUMATHYAMMA, W/O.AYYAPPAN PILLAI,
D/O. PERUMAL PILLAI, KIZHAKKAYIL HOUSE,
KUDAYATHOOR KARA, VALLIYAMATTOM VILLAGE.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.A.S.SAJUSH PAUL

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.299 OF 2007

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Dated this the 20th day of November 2007

ORDER

This revision petition is preferred against the order of the Sub Court, Thodupuzha in E.P.No.6 of 2002 in L.A.R.No.378/1982, whereby a portion of the property had been sold for Rs.21,000/- and the matter has been posted for confirmation of sale. This happened in the year 2005. I am informed thereafter that the sale has been confirmed on 17.6.2006 and sale certificate has been issued. There was also an application filed for setting aside the sale which also ended in dismissal. Legally there cannot be much remedy for the State at this stage regarding sale. But the decree holders have submitted before court that they have no objection in setting aside the sale provided the amount due to them plus the expenses incurred by them and the interest at a reasonable rate till the date of payment is given. I am informed that it is a small extent of the property held by a civil station that is sold in auction. It is desirable that sale of such property is averted. Therefore, in order to enable the Government, I give 2 months' time to the Government to deposit the entire decree amount plus the expenses incurred for the sale plus costs plus 6% interest on the sum of Rs.21,000/- from the

date of sale till actual payment. If this amount is paid then the sale shall stand set aside and in the absence of such payment, the executing court will be at liberty to proceed further in accordance with law.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-